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| 10/007,021      | 11/05/2001  | Richard P. Welty     | 270-3038-U          | 8522             |

26096 7590 05/04/2005

CARLSON, GASKEY & OLDS, P.C.  
400 WEST MAPLE ROAD  
SUITE 350  
BIRMINGHAM, MI 48009

EXAMINER

PIZIALI, ANDREW T

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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1771

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/007,021  
Filing Date: November 05, 2001  
Appellant(s): WELTY ET AL.

**MAILED**  
**MAY 04 2005**  
**GROUP 1700**

Karin Butchko  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 4/1/2005.

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**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences that will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Claimed Subject Matter (Summary of the Invention)***

The summary of claimed subject matter contained in the brief is correct.

**(6) *Grounds of Rejection to be reviewed on Appeal (Issues)***

The appellant's statement of the grounds of rejection to be reviewed in the brief is correct.

**(7) *Claims Appendix***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) *Prior Art of Record***

|           |        |        |
|-----------|--------|--------|
| 5,879,532 | FOSTER | 3-1999 |
| 5759677   | FINK   | 6-1998 |

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**(9) Grounds of Rejection**

The following grounds of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 22-53 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 5,879,532 to Foster et al. (hereinafter referred to as Foster).

Regarding claims 22-53, Foster discloses an article having on at least a portion of a surface a coating, said article comprising a substrate, a nickel layer, a strike layer consisting essentially of zirconium, titanium or zirconium-titanium alloy directly contacting the nickel layer, and an outer later consisting essentially of zirconium compound, titanium compound, or zirconium-titanium alloy compound directly contacting the strike layer, and the outer layer is uncoated (see entire document including column 1, lines 10-24, column 3, lines 55-63, and column 6, line 42 through column 7, line 11).

Regarding claims 23-27, 33-37, 44, 46, 48 and 52, Foster discloses that the compound may be a carbide, oxide, nitride, or a carbonitride (column 6, line 65 through column 7, line 11).

Regarding claims 28-29, 32-41 and 48-53, Foster discloses that the article may be aluminum or zinc (column 3, lines 55-63).

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Regarding claims 30, 32-41 and 48-53, Foster discloses that the strike layer may have a thickness between 0.25 millionths of an inch and 50 millionths of an inch (column 8, lines 22-33).

Regarding claim 31 and 40, Foster discloses that the outer layer may have a thickness between about 2 millionths of an inch and about 30 millionths of an inch (column 8, lines 53-65).

Regarding claims 38 and 42, Foster discloses that the article may be a faucet (column 1, lines 10-24).

Regarding claims 39 and 43, Foster discloses that the article may be a doorknob (claim 56).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 39 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,879,532 to Foster as applied to claims 22-53 above, and further in view of USPN 5,759,677 to Fink.

Fink discloses that faucet coatings may be used for doorknobs (column 1, lines 7-17). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the substrate a doorknob, as disclosed by Fink, because a doorknob is a piece of door hardware that requires corrosion resistance and a desired color.

**(11) Response to Argument**

The appellant asserts that Foster does not teach the claimed three-layer coating. The appellant asserts that Foster does not teach or suggest that the electroplated nickel layer (1) may directly contact the refractory metal or refractory metal alloy layer (2) and/or that refractory metal compound or refractory metal alloy compound layer (3) may be uncoated. The examiner respectfully disagrees. Under the SUMMARY OF THE INVENTION heading, Foster clearly discloses that the instant invention comprises a method of applying a multi-layer coating to an article wherein the coating comprises at least one electroplated layer and at least one vapor deposited coating layer. Under the same heading, Foster discloses that the electroplated layer may be a layer of nickel and that the vapor deposited layer may be a single layer or a multi-layer. Foster clearly discloses that the coating may consist of three layers.

Claim 1 of Foster claims a process of depositing a coating on at least a portion of an article comprising deposition of a electroplating layer (1), deposition of a refractory metal or refractory metal alloy layer (2), and deposition of a refractory metal compound or refractory metal alloy compound layer (3). Claim 2 claims that the electroplating layer (1) may be a nickel layer. Claims 3 and 4 each claim that the refractory metal or refractory metal alloy layer (2) may be a zirconium, titanium, or zirconium-titanium alloy layer. Claim 6 claims that the refractory metal compound or refractory metal alloy compound layer (3) may be a zirconium, titanium, or zirconium-titanium alloy compound layer. None of claims 1, 2, 3, or 6 mention a chrome layer or an overlying layer. Foster teaches the claimed article wherein the outer layer is uncoated and the electroplating layer (1) and the refractory metal or refractory metal alloy layer (2) are in direct contact.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

atp  
April 20, 2005

*G=J. 4/20/05*  
**ANDREW T. PIZALI**  
**PATENT EXAMINER**

Conferees  
Terrel Morris - *FM*  
Rena Dye - *RD*

  
**TERREL MORRIS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1700**

CARLSON, GASKEY & OLDS, P.C.  
400 WEST MAPLE ROAD  
SUITE 350  
BIRMINGHAM, MI 48009